



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,941	03/19/2002	Nao Sone	121.1033	6302

21171 7590 01/12/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/099,941	Applicant(s) SONE, NAO	
	Examiner Ronald Laneau	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06192002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugiyama et al (US 5,870,716).

Sugiyama discloses a store information processor (fig. 16, 48) including a transaction management unit (home balance sheet) receiving and managing transaction information of a customer (shopper) (col. 1, lines 47-52); at least one terminal connected to a communication network; and a store information processor comprising; a communication unit connecting the store information processor to the communication network (col. 2, lines 57-62; wireless communications between the information processor and the portable terminal over the network); a purchase record management unit (fig. 4, 40) generating a purchase record from the transaction information of the customer (prior purchases, items, mean purchase interval); an estimation unit (col. 1, line 64 to col. 2, line 2; purchase planning) estimating the next purchase date of an item class from a purchase frequency (interval) of the item class calculated from the purchase record (col. 6, lines 23-33, fig. 7); and a notification unit notifying the customer of the estimated next purchase date (see abstract, lines 13-16); a store information processor (fig. 16, 48) wherein the notification unit sends an electronic mail message to the customer as the notification (see abstract, lines 13-16). Sugiyama further discloses a store information processor (fig. 16, 48)

wherein the notification unit notifies the customer of the estimated next purchase date of an item class designated by the customer or by a store before the estimated next purchase date (see abstract, lines 13-16).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 9, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al (US 5,870,716) in view of Ishikawa (US 2002/0038264 A1).

The same rejection to claims 1 and 12 applies. Sugiyama does not disclose a store information processor that includes an advance order unit but Ishikawa teaches a store information management system that enables a consumer or potential customer to make an advance order of a desired item page 1, [0007], lines 1-6), an advance order information display unit displaying the information about the advance order on a display screen of the display unit (figs. 13-21, click to reserve). The store information management system can receive and manage information about advance order items to be purchased (fig. 1, 10.i). The combination of Sugiyama and Ishikawa would also provide a store information processor wherein the advanced order unit sends sales information for item belonging to the item class or group of items as claimed (see Sugiyama, col. 8, lines 11-32). Furthermore, Sugiyama discloses a store

Art Unit: 3627

information processor having the purchase information and is capable of prompting a customer to purchase an item as an estimated purchase date is near (see abstract, lines 13-16, fig. 10, 102).

It would have been obvious to one of ordinary skill in the art to include the advance order unit as taught by Ishikawa into the system of Sugiyama because it would allow consumers to secure a desired item knowing that they can pick it up with great ease of mind.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

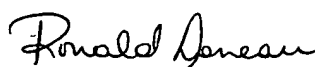
- Gerbaulet (US 5,544,040) discloses a system for management of common purchase operations for goods and services.
- Suzuki (US 6,313,745 B1) discloses a system and method for fitting room merchandise item recognition using wireless tag.
- Flynn (US 2001/0023402 A1) discloses a system and method for transmitting and journaling a retail transaction.
- Ruppert et al (US 5,424,524) discloses personal scanner/computer for displaying shopping lists and scanning barcodes to aid shoppers.
- Walker et al (US 5,970,470) discloses a system and method for establishing and managing subscription purchase agreements including commitments to purchase goods over time at agreed upon prices.

Art Unit: 3627

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ronald Laneau
Examiner
Art Unit 3627

1/8/05

rl